

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

MAR 24 2025

MITCHELL R. ELFERS
CLERK OF COURT

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 THE PERSONS OF TOMAS RIVAS HIDALGO AND
 NATHAN R., A JUVENILE, CURRENTLY
 INCARCERATED

Case No. 25-520MR

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, which attached and incorporated fully by reference herein

located in the _____ District of _____ New Mexico _____, there is now concealed *(identify the person or describe the property to be seized)*:
 See Attachment A, which attached and incorporated fully by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 922(q)(3)(A)	Discharge of a Firearm in a School Zone
18 USC 1512(c)(1)	Evidence Tampering

The application is based on these facts:

See Attachment

- ☐ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Special Agent David Gabriel

Printed name and title

Sworn to before me and signed in my presence.

- by telephone. JHR

Date: March 23, 2025

City and state: Las Cruces, NM

Judge's signature

U.S. Magistrate Jerry H. Ritter

Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR A SEARCH WARRANT

I, David S. Gabriel, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since May 2018. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico. Prior to my current position, I was employed for six years as an analyst and operations officer in a federal intelligence service. I am currently assigned to investigate violations of federal law, including violent crimes against children and crimes occurring on Indian reservations.

2. During my tenure with the FBI, I have received formal and informal training in conducting a variety of criminal investigations. I have participated in the execution of search warrants and seized evidence of these violations, conducted surveillance, and arrested the perpetrators of these crimes. I have conducted hundreds of interviews, to include witness, subject, and victim interviews.

3. The information contained herein is based upon my own investigations as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known by me, only facts for consideration of probable cause.

4. This Affidavit is made in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the persons of brothers Tomas Rivas Hidalgo (henceforth "Tomas") and Nathan R., a juvenile, to include the collection of buccal swabs, which are potential evidence of a violation of Title 18, United States Code, Sections 922(q)(3)(A), 18

U.S.C. § 1512(c)(1), and, for Nathan, committing acts of juvenile delinquency as defined in 18 U.S.C. § 5032 by violating the above statutes. There is probable cause to search these two persons, further described in Attachment A, for evidence of this crime as further described in Attachment B.

Relevant Statutes

5. Title 18 U.S.C. § 922(q)(3)(A) in relevant part states, “Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.”

6. Title 18 U.S.C. § 1512(c)(1) states, in relevant part, “Whoever corruptly—alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object’s integrity or availability for use in an official proceeding...shall be fined under this title or imprisoned not more than 20 years, or both.”

Probable Cause

7. The following information was provided to me by FBI and Las Cruces Police Department personnel with knowledge of the investigation. Additionally, I have assisted with other facets of this investigation, to include witness interviews and administrative functions, and am therefore familiar with its progress.

8. On March 21, 2025, Las Cruces Police Department (LCPD) officers and detectives responded to a shots fired call at Young Park located at 850 S. Walnut Street, Las Cruces, NM. FBI learned from LCPD detectives that three victims were deceased, and an additional fifteen victims were being treated for injuries. Multiple shell casings were recovered from the scene. The calibers of the casings recovered from the scene include 9mm, .40 S&W, and .45 ACP. Based on

interviews conducted, I learned that LCPD detectives identified Nathan R. and Tomas as suspected shooters during the incident.

9. On March 22, 2025, FBI agents and Task Force Officers (TFOs) conducted surveillance of the last known residence for Nathan R and Tomas. At approximately 11:55am, an FBI TFO observed a black Mercedes with an unreadable temporary tag. A male individual with a light-colored sweatshirt and dark-colored pants exited the residence and entered the back passenger seat of the Mercedes sedan. The Mercedes sedan departed eastbound occupied by three male individuals. Agents and TFOs continued mobile surveillance of the Mercedes sedan and followed the vehicle through city of Las Cruces, NM. At approximately 12:15pm, the Mercedes sedan arrived at 1835 Rentfrow Avenue, Las Cruces, NM. An FBI TFO observed the aforementioned male individual exit the rear passenger seat of the vehicle carrying a light-colored bag walking towards the apartment at 1835 Rentfrow Ave. An FBI SA then observed the same individual with the light-colored bag walk around the east side of the apartment building and lost visual of the individual for a short amount of time. The FBI SA then observed the same individual walk back to the Mercedes sedan without the light-colored bag and enter the rear passenger seat of the vehicle. The vehicle then departed eastbound on Rentfrow Ave. Agents and TFOs continued surveillance and an LCPD patrol marked unit then initiated their lights and siren and stopped the sedan on Rentfrow Ave.

10. The three individuals in the vehicle were detained and identified as Tomas Rivas Hidalgo (driver), Adrian Rivas Hidalgo (front passenger), and Nathan R. (rear passenger). Nathan R. was identified as the aforementioned individual that was wearing the light-colored sweatshirt and dark colored pants.

11. A state of New Mexico District Court search warrant was obtained for the

apartments located at 1835 Rentfrow Ave, Las Cruces, NM and the curtilage around the apartment to include trash cans. During the execution of the search warrant, a Glock 22 handgun, .40 S&W caliber, bearing serial number LNZ081, was recovered from a light-colored bag which was located inside of the trashcan on the east side of the apartment building. The firearm had an extended magazine which was partially loaded with .40 S&W caliber ammunition. Additional firearm magazines and ammunition were located in the same trash can.

12. Also located in the kitchen cabinets of 1835 Rentfrow Ave, Apt D, were a Glock 30 handgun, .45 ACP caliber, bearing serial number CAUB181, and a Glock 45 handgun, 9mm caliber, bearing serial number BHZM981. A National Crime Information Center (NCIC) check of both firearms revealed that the Glock 30 handgun had been reported stolen by LCPD and the Glock 45 handgun had been reported stolen by Roswell Police Department. Also located in the kitchen trash can was a red, white and black colored jacket.

13. Nathan was transported by an LCPD marked unit to the LCPD office for interview by LCPD detectives and FBI Special Agents. In a post-Miranda statement, Nathan R. admitted that he was at Young Park during the shooting incident that occurred the night of March 21, 2025. Nathan R. originally stated that he did not possess firearms including during the shooting incident at Young Park. Nathan R. stated that two of the shooters got into his vehicle and he drove them away from the scene and into the state of Texas. Nathan R. then later admitted that he was attempting to sell multiple firearms and firearms accessories on social media within the past few weeks. Nathan R. admitted that on March 22, 2025, he took the bag with the Glock 22 handgun and other magazines and ammunition and put them in the trash can located at 1835 Rentfrow Ave. Nathan R. advised that he attempted to dispose of the firearm and firearms accessories because he observed vehicles following him and his brothers.

14. In interviews with witness's present during the shooting incident, Nathan R. was identified by multiple witnesses as one of the individuals that fired. Another individual Adrian advised that Nathan R. and Tomas admitted to him that they were one of the shooters at Young Park.

15. On March 22, 2025, FBI was provided screenshots of a video submitted to LCPD detectives by a witness present during the shooting at Young Park. In the screenshots from the video, a male individual who fits the physical characteristics of Rivas Hidalgo wearing what appears to be a red and black colored jacket appears to be holding and firing a handgun.

16. Based on my training and experience, and in consultation with trained Special Agents of the Federal Bureau of Investigation (FBI), I am aware that Glock firearms are not manufactured in the state of New Mexico. Available information indicates Glock firearms are currently manufactured in the country of Austria or the state of Georgia. Therefore, the firearm that Nathan R. was found in possession of had traveled in interstate commerce in order to be present in the state of New Mexico.

17. 18 USC § 921(a)(26) states, in relevant part, "The term "school zone" means— (A) in, or on the grounds of, a public, parochial or private school; or (B) within a distance of 1,000 feet from the grounds of a public, parochial or private school. I have reviewed open-source map data and observed that Young Park is located within 1000 feet of Lynn Middle School, address 950 S. Walnut St, Las Cruces, NM 88001, and is in fact directly across Nevada Avenue from this school. More specifically, based on a review of property records, it appears that from the approximate location of the shooting to the property line of the school is approximately 350 feet. Below is a Google Maps overhead image of Young Park in relation to Lynn Middle School. The red circle indicates the approximate location of the shooting.



18. I am aware that on March 21 and 22, 2025, Nathan R. was 17 years old and therefore a juvenile.

19. I know from my training and experience that DNA material can be found in human tissue, to include cells taken from the inside of the cheek via a buccal swab. I also know that DNA can be recovered from the surfaces of objects handled by humans, such as firearms. Further, I know that DNA comparison testing, such as testing a swab from a firearm for DNA and matching it a person, requires a known sample from the suspected offender in order to complete the comparison examination.

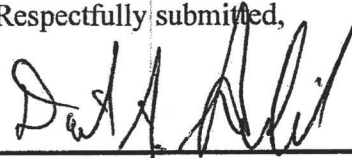
Conclusion

20. Based on the foregoing, there is probable cause to believe that Nathan R. committed

acts of juvenile delinquency as defined in 18 U.S.C. § 5032 by violating 18 U.S.C. § 922(q)(2)(A), Possession of a firearm in a school zone on March 21, 2025, and 18 U.S.C. § 1512(c)(1), tampering with evidence on March 22, 2025, and that Tomas similarly violated 922(q)(3)(A). There is additionally probable cause that DNA taken from these individuals will match DNA collected from these firearms and serve as evidence of these crimes.

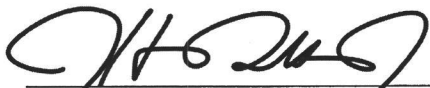
21. Assistant United States Attorneys Ry Ellison and Maria Armijo approved prosecution in this case.

Respectfully submitted,



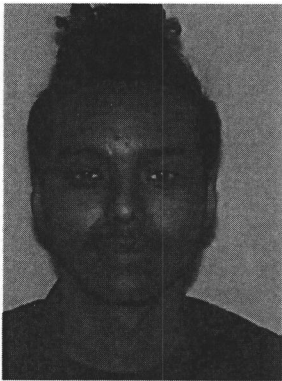
David S. Gabriel
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 23rd day of March 2025.



The Honorable Jerry H. Ritter
United States Magistrate Judge

Attachment A
Persons to be Searched



Tomas Rivas Hidalgo
DOB: 05/22/2004
SSN: 648-34-8584



Nathan Giovanni Rivas
DOB: 12/29/2007
SSN: 648-46-5504

Attachment B
Particular Things to be Seized

- DNA Samples in the form of buccal swabs, taken from the persons described above